

HOUSE COMMITTEE ON PUBLIC SAFETY, VETERANS, & MILITARY AFFAIRS

The Honorable Gregg Takayama, Chair
The Honorable Cedric Asuega Gates, Vice Chair

HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

The Honorable Ty J.K. Cullen, Chair
The Honorable Mark M. Nakashima, Vice Chair

**H.C.R. NO. 73, REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT
AUDIT OF THE CORRECTIONS DIVISION OF THE DEPARTMENT OF PUBLIC
SAFETY**

Hearing: Wednesday, March 20, 2019, 9:30 a.m.

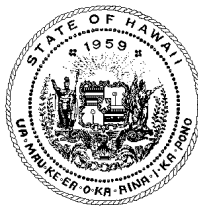
The Office of the Auditor has **no position** regarding H.C.R. No. 73, which requires the auditor to conduct a management audit of the Corrections Division of the Department of Public Safety. **However, we have concerns about our ability to conduct some of the work required by the measure.**

The bill requires us to conduct a management audit of the Corrections Division of the Department of Public Safety. Specifically, the measure requires our office to, among other things:

1. Evaluate the Division's recruitment/retention rates and hiring policies and practices;
2. Determine whether the State's correctional facilities are sufficiently staffed and in compliance with various national best practices relating to recruitment, staff retention, and safety regulations for corrections officers;
3. Identify existing and potential safety issues at all correctional facilities in the State and which staff positions in the Division are essential and non-essential; and
4. Review various Department of Safety policies and practices, including those related to staffing essential and non-essential posts; vacation and sick leave usage; and correctional officer scheduling and post assignments.

We are concerned that some portions of the work required by the measure are beyond our expertise and will almost certainly require us to procure a consultant to assist us in performing the audit. Specifically, paragraph (3) requires us to identify "potential safety issues" at all correctional facilities and to identify which staff in the Corrections Division are "essential and non-essential" staff. Both tasks will require our office to retain a qualified expert. For that reason, we request that the committee delete paragraph (3).

Thank you for considering our testimony regarding H.C.R. No. 73.



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TESTIMONY ON HOUSE CONCURRENT RESOLUTION 73
REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE
CORRECTIONS DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.

by
Nolan P. Espinda, Director

House Committee on Public Safety, Veterans, and Military Affairs
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

House Committee on Legislative Management
Representative Ty J.K. Cullen, Chair
Representative Mark M. Nakashima, Vice Chair

Wednesday, March 20, 2019; 9:30 a.m.
State Capitol, Conference Room 430

Chairs Takayama and Cullen, Vice Chairs Gates and Nakashima, and
Members of the Committees:

The Department of Public Safety (PSD) supports House Concurrent Resolution
(HCR) 73 and offers the following comments.

PSD notes that the management audit requested in HCR 73 has limited the
scope of the audit to the Department's Corrections Division, to be completed and the
findings reported to the 2020 Legislature. At the same time, Senate Bill (SB) 572,
Senate Draft (SD) 2 would require the State Auditor to conduct a comprehensive
management audit of specific offices and programs within PSD, to be completed and
the findings reported to the 2021 Legislature, which may overlap with the audit
requested in HCR 73.

Testimony on HCR 73
House Committee on Public Safety,
Veterans, and Military Affairs
House Committee on Legislative Management
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PSD welcomes the opportunity to cooperate and hopes, should both measures pass, that there be coordination between the two, to minimize the associated time spent and costs to the tax-payers.

Thank you for the opportunity to present this testimony.

LATE

A Review of a Formula for Security Staffing at the Department of Public Safety

A Report to the
Governor
and the
Legislature of
the State of
Hawai'i

Report No. 92-27
December 1992



THE AUDITOR
STATE OF HAWAII

Office of the Auditor

The missions of the Office of the Auditor are assigned by the Hawai'i State Constitution (Article VII, Section 10). The primary mission is to conduct post audits of the transactions, accounts, programs, and performance of public agencies. A supplemental mission is to conduct such other investigations and prepare such additional reports as may be directed by the Legislature.

Under its assigned missions, the office conducts the following types of examinations:

1. Financial audits attest to the fairness of the financial statements of agencies. They examine the adequacy of the financial records and accounting and internal controls, and they determine the legality and propriety of expenditures.
2. Management audits, which are also referred to as performance audits, examine the effectiveness of programs or the efficiency of agencies or both. These audits are also called program audits, when they focus on whether programs are attaining the objectives and results expected of them, and operations audits, when they examine how well agencies are organized and managed and how efficiently they acquire and utilize resources.
3. Sunset evaluations evaluate new professional and occupational licensing programs to determine whether the programs should be terminated, continued, or modified. These evaluations are conducted in accordance with criteria established by statute.
4. Sunrise analyses are similar to sunset evaluations, but they apply to proposed rather than existing regulatory programs. Before a new professional and occupational licensing program can be enacted, the statutes require that the measure be analyzed by the Office of the Auditor as to its probable effects.
5. Health insurance analyses examine bills that propose to mandate certain health insurance benefits. Such bills cannot be enacted unless they are referred to the Office of the Auditor for an assessment of the social and financial impact of the proposed measure.
6. Analyses of proposed special funds and existing trust and revolving funds determine if proposals to establish these funds are existing funds meet legislative criteria.
7. Procurement compliance audits and other procurement-related monitoring assist the Legislature in overseeing government procurement practices.
8. Fiscal accountability reports analyze expenditures by the state Department of Education in various areas.
9. Special studies respond to requests from both houses of the Legislature. The studies usually address specific problems for which the Legislature is seeking solutions.

Hawai'i's laws provide the Auditor with broad powers to examine all books, records, files, papers, and documents and all financial affairs of every agency. The Auditor also has the authority to summon persons to produce records and to question persons under oath. However, the Office of the Auditor exercises no control function, and its authority is limited to reviewing, evaluating, and reporting on its findings and recommendations to the Legislature and the Governor.



THE AUDITOR
STATE OF HAWAII
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A Review of a Formula for Security Staffing at the Department of Public Safety

A Report to the
Governor
and the
Legislature of
the State of
Hawaii

Conducted by

The Auditor
State of Hawaii
and
James D. Henderson
Correctional Consultant

Submitted by

THE AUDITOR
STATE OF HAWAII

Report No. 92-27
December 1992

Foreword

This report was prepared in response to Section 5(152) of the Supplemental Appropriations Act of 1992 (Act 300) which requested the auditor to conduct a study and review of security staffing needs at the various correctional institutions under the Department of Public Safety. Due to the large budget implications involved, the Legislature was particularly concerned that an examination be made of the revised staffing formula which the department had proposed to the 1992 legislative session.

To assist us in conducting this review, we engaged the consulting services of James D. Henderson, a recognized authority in correctional security management and staffing. With forty years of experience in the field, he has advised numerous jurisdictions on security staffing, including Hawaii in 1985 and 1988.

We wish to express appreciation for the cooperation and assistance extended to us by the director and staff of the Department of Public Safety during the course of this review.

Marion M. Higa
State Auditor

OVERVIEW

THE AUDITOR
STATE OF HAWAII

A Review of a Formula for Security Staffing at the Department of Public Safety

Summary

The Department of Public Safety proposed a revised staffing formula (called shift relief factor) to the 1992 Legislature. If fully funded, the proposed change in the formula would add almost 200 security staff positions at an annual cost exceeding \$5 million. The Legislature requested this review because of the cost implications of the staffing formula. To assist us in conducting this review, we engaged the consulting services of James D. Henderson, a recognized authority in correctional security management and staffing.

We found the revised shift relief factor for determining the level of security staffing for Hawaii's correctional institutions to be reasonable. The data used in calculating the formula, however, are questionable. Thus, until reliable data are available, a definitive formula cannot be developed. More importantly, the base, or the number of work positions, to which the shift relief factor is applied appears to be larger than necessary.

The shift relief factor is calculated from the number of work days required for a correctional security job and the number of days actually worked by a security staff member. The formula relies on leave data that, subtracted from the number of work days a year, would show the actual number of days worked. The department's data on leave are questionable. The data are manually maintained at the individual correctional institutions and the institutions are inconsistent and sometimes inaccurate in the way they record leave data. We found incorrect and improper data being recorded on official leave forms.

To derive the number of security staff needed, the shift relief factor is applied to a base—the total number of security work positions deployed throughout the correctional institutions. We found that the base to which the formula is applied appears to be larger than necessary at a number of the institutions. Our consultant noted, for example, that Oahu Community Correctional Center is the most overstaffed. For example, he considers a total waste the \$150,000 per year cost of staffing a 24-hour post to oversee a parking lot.

Unlike the systematic approach followed in many correctional systems where security staff deployment is based on clear criteria and careful analysis, Hawaii's correctional institutions generally have been left to develop their own individual staffing patterns. With indications of

excessive staffing in a number of areas, the whole staffing base needs to be properly analyzed and justified.

The department is incurring overtime expenditures for its security staff that far exceed appropriations for this purpose—\$8.4 million against an authorized \$3.8 million for fiscal year 1991-92. Overtime pay for the correctional security staff is virtually out of control. During fiscal year 1991-92, the top earner of overtime pay received more than \$36,750 in extra income above his regular salary and 285 security employees—almost one-third of the total—were paid \$12,000 or more each in overtime income. A separate financial audit has revealed lax control over and abuse of overtime usage.

This excess reflects a lack of management control of the various forms of lost time which result from leaves and vacancies. These problems are symptomatic of a general situation where the department fails to keep track of and control such matters as vacancies, training time, sick leave, and vacation leave, all of which impact the staffing formula.

Recommendations and Response

We recommend that the Department of Public Safety fix responsibility for security staffing at a senior management level and assure the reliability of data used in calculating the staffing formula. This includes making sure that employees are properly trained to record leave information correctly and that internal controls are in place to ensure accuracy and accountability. We also recommend that the department should install a comprehensive and systematic approach to assessing its security staffing needs and deploying its security staffing resources. Before approving a revised staffing formula, the Legislature should require the department to submit a more reliable and valid staffing base—that is, a base founded upon clearly established criteria and careful analysis. Finally, we recommend that the department should establish appropriate management controls over lost time and overtime.

The department did not respond to our recommendations. Instead it took exception to our finding that the data used to calculate the staffing formula are not reliable. It does acknowledge, however, that it will be addressing the problem of standardizing the way leaves are recorded and making sure that persons responsible are properly trained. The department also says that we denied it full access to our consultant's report. We had previously notified the department that our consultant's communications to us would remain confidential until our report was issued. Once the report is published, the consultant's report becomes part of the official working papers for the study. Like all our official working papers, these are available for public inspection.

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Chapter 1

Introduction

Administering correctional institutions is a complex and demanding challenge. These institutions function on a continuous basis—24 hours a day, 365 days a year—and provide a variety of interrelated services including law enforcement, food service, medical care, public utilities, education, recreation, vocational training, and industrial production of commercial goods. Moreover, correctional institutions deal with persons who have been charged with or convicted of committing criminal offenses. Correctional employees, inmates, and the general public face danger should escapes or major incidents occur.¹

In Hawaii, the Department of Public Safety administers, along with a variety of other law enforcement functions, the State's adult correctional institutions. Currently, there are eight institutions spread among four islands:

Oahu

- Oahu Community Correctional Center (OCCC)
- Women's Community Correctional Center (WCCC)
- Halawa Correctional Facility (HCF)
- Waiawa Correctional Facility (WCF)

Hawaii

- Hawaii Community Correctional Center (HCCC)
- Kulani Correctional Facility (KCF)

Maui

- Maui Community Correctional Center (MCCC)

Kauai

- Kauai Community Correctional Center (KCCC)

The five community correctional centers generally confine persons convicted of minor crimes or those awaiting trial or sentencing. The Kulani and Waiawa facilities are minimum security institutions for persons convicted of crimes, while Halawa provides medium and maximum security. The two largest institutions are HCF and OCCC, which account for more than 70 percent of Hawaii's inmate population.

Request for the Study

The Legislature requested this study in Section 5(152) of the Supplemental Appropriations Act of 1992 (Act 300). Legislators were concerned about a large increase in the department's budget request for security staffing. The request was based on a proposed change in the "shift relief factor" or the formula used to calculate security staffing needs for the department's around-the-clock correctional operations. If fully funded, the proposed change in the formula would add almost 200 security staff positions at an annual cost exceeding \$5 million.

Objectives of the Study

1. Evaluate the methodology and data used to develop and support the requested change in the shift relief factor for security staffing for Hawaii's correctional system.
2. Assess the security staffing base and other management policies and practices that may affect security staffing utilization within Hawaii's correctional institutions.
3. Make recommendations as appropriate with respect to the first two objectives.

Scope and Methodology

This study focused upon two related areas of concern:

1. The "shift relief factor" or the formula that is widely used in the correctional field to calculate security staffing needs for 24-hour operations. The formula takes into account the staffing needed to cover posts seven days a week.
2. Management policies and practices of the Department of Public Safety that significantly impact on the use of the shift relief factor. Control of and accounting for lost time due to leaves and vacancies affect the calculation of the shift relief factor. How management sets up the staffing base affects the application of the shift relief factor.

To help us in assessing the two areas of concern, we engaged the consulting services of Mr. James D. Henderson, a recognized authority in correctional security management and staffing. With 40 years of experience in the field, including 29 years with the Federal Bureau of Prisons, he has advised a large number of varied correctional systems on security management and staffing. In addition, Mr. Henderson is already familiar with Hawaii's correctional system. In 1985 and again

in 1988, he assessed security staffing for Hawaii's correctional system under Technical Assistance Projects funded by the National Institute of Corrections. In 1991, he was a consultant to a private firm that had been contracted by the Department of Public Safety to develop an automated management information system for Hawaii's correctional institutions.

As criteria and guidance for this evaluation, we relied primarily upon the professional judgment of James D. Henderson. We also reviewed professional literature on correctional security staffing in Hawaii and elsewhere.

We made on-site visits to each of the eight institutions in the correctional system; examined relevant departmental and institutional rules, policies, procedures, and records; and interviewed staff at various levels within Hawaii's correctional system. More specifically, we examined institutional post designations (work stations), post orders, security staffing patterns, roster management, staff utilization records, overtime records, and methods for tracking security positions. We also worked with agency staff on a shift relief factor.

This study examines security staffing, but it does not assess the staffing needs of the individual institutions nor the department's security policies and practices. Data used in this report were supplied by the department. Our work was performed from June 1992 through October 1992 in accordance with generally accepted government auditing standards.

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Chapter 2

The Shift Relief Factor and Its Application In Hawaii

The use of a formula, referred to as the "shift relief factor," is an accepted methodology for determining security staffing needs in the corrections field. At the 1992 legislative session, the Department of Public Safety proposed a revision in the shift relief factor it had followed for a number of years. If fully funded, this revised formula would add almost 200 security staff at an annual cost exceeding \$5 million. In this chapter we explain the shift relief factor and how it works. We then examine the methodology and data used by the department in calculating initial and corrected versions of its revised shift relief factor. Finally, we examine the base to which the shift relief factor is applied.

Summary of Findings

1. The revised shift relief factor proposed by the Department of Public Safety appears reasonable. The data used in calculating the shift relief factor, however, are questionable. Until reliable data are available, a definitive shift relief factor cannot be developed.
2. The base, or the number of work positions, to which the shift relief factor is applied warrants examination. In many instances, it appears to be larger than necessary.

Explanation of the Shift Relief Factor

The purpose of the shift relief factor is to provide a relatively simple means of estimating how many persons will be required for each security job. Such a formula is needed because of (1) the 24-hour nature of correctional security work, and (2) the disparity between the number of days per year correctional security jobs have to be performed (365 in many cases) and the number of days per year security staff actually work on average (always less than 365). Over the course of a year, most of these jobs will each require more than one person.

Elements of the shift relief factor

The shift relief factor is a ratio between: (1) the number of work days per year required for a correctional security job and (2) the average number of days per year worked by a security staff member. This ratio may be expressed as a fraction or in decimal form. For example, if a job must be covered 365 days per year and the typical security

employee works 220 days per year, then the fraction would be 365 over 220 and the decimal would be 1.66 (365 divided by 220).

This ratio is then applied to the base, or the total number of security jobs that must be staffed, to arrive at the total number of security employees required to cover the jobs. Thus, if the base is 500 correctional security jobs that must be covered 24 hours a day for 365 days of the year and the shift relief factor is 1.66, then the total staffing required would be 830 persons (1.66 times 500).

Relatively small changes in the shift relief factor result in significant changes in staffing requirements when applied to a large correctional system. For example, if security employees work an average of 195 days per year instead of 220 days, then the shift relief factor would be 1.87 (365 divided by 195) instead of 1.66. If this higher relief factor were applied to a job base of 500, then the total staffing requirement would be 935 (1.87 times 500) instead of the 830 called for under a 1.66 shift relief factor.

Definitions of key terms

To better understand the shift relief factor and its use, it is important to be familiar with the following key terms:

Post. The duties and functions that would occupy one security staff member at a work station. Normally, a post is stationary, but it can involve moving around, such as patrolling the perimeter of a correctional institution.

Work position. The work of one post for one 8-hour shift per day. Thus, a post regularly staffed for three shifts per day would require three work positions; those staffed for one or two shifts per day would need one or two work positions respectively. The total number of work positions, and not the total number of posts, is the job base to which the shift relief factor is applied.

Employee position. The job of a particular employee. The total number of employee positions is authorized by the Legislature and is different from the total number of work positions. A number of employee positions may be needed for a single work position. The shift relief factor bridges the gap between employee positions and work positions by helping to determine how many employee positions will be needed to provide coverage for a given number of work positions. For example, if the shift relief factor is 2.00, twice as many employee positions are needed as there are work positions.

Shift. A shift, also known as a "watch," is one of the three 8-hour work periods per 24-hour day that security staff normally work. In

Hawaii's correctional institutions, the first watch is from 10:00 p.m. to 6:00 a.m.; the second is from 6:00 a.m. to 2:00 p.m.; and the third from 2:00 p.m. to 10:00 p.m.

Workweeks; different shift relief factors for 7-day and 5-day posts. Correctional institutions function 7 days per week. There are, however, some operations that function 5 days per week, such as vocational training programs for inmates and provision of inmate services to agencies outside the correctional system. Thus, some security positions are programmed on a 7-day workweek while others are on a 5-day workweek. Different shift relief factors are used for 7-day posts and 5-day posts since the first element in the shift relief factor ratio—the number of work days per year—is 365 days for the first and 260 for the second.

Other variations of workweeks exist within the correctional system.¹ But because the affected posts are few in number, their impact on staffing requirements tends to be minimal. We focus in this report only on the shift relief factors for 7-day and 5-day posts.

***Standardized format
for computing the
shift relief factor***

A standardized format, called the "Uniform Manning Formula Computation," has been developed to facilitate computation of the shift relief factor. This format, adapted to Hawaii with columns for both 7-day and 5-day posts, is shown in Exhibit 2.1. The standard format calculates the shift relief factor step-by-step by identifying the average number of days employees are away from their jobs (including both leave time and the two days per week they are regularly off), subtracting that number from 365 to derive the average number of days actually worked, and then dividing the 365 days by that number. The steps as adapted to Hawaii are described below.

Step 1. Shows that operations are continuous year around.

Step 2. Shows the number of days per year the posts actually function: 365 days for 7-day posts, 260 days for 5-day posts.

Step 3. Calculates the two days off per week automatically granted to each employee as 104 days (52 weeks times 2).

Step 4. Shows as a separate item the average number of days of vacation leave taken per security employee member because vacation leave is one of the larger uses of leave time.

Step 5. Provides for holidays taken by security employees. But since Hawaii offers premium pay for holiday work and this assures coverage, a zero is entered for this step.

- Step 6. Shows as a separate item the annual average number of days of sick leave taken per security employee because sick leave also usually accounts for another large use of leave time.
- Step 7. Shows average annual leave time taken per employee for all reasons other than vacations, holidays, sickness, and training. It also includes lost time due to vacancies.
- Step 8. Accounts separately for the average time spent per employee on training because a standard number of days is usually specified for training and because records for this type of leave are often kept separately.
- Step 9. Shows the total number of days off per employee by adding the numbers entered for steps 3 through 8.
- Step 10. Gives the average number of days worked per employee for the year by subtracting the total for step 9 (number of days off) from 365 (number of days in the year).
- Step 11. Considers down time for lunches and breaks. But this refinement is disregarded as minor and entered as a zero.
- Step 12. Since step 11 is zero, the number for step 12 is the same as the number for step 10.
- Step 13. Shows the shift relief factor obtained by dividing the number for step 2 (number of work days per year) by the number for step 12 (average number of days worked per year per employee).

Exhibit 2.1
Standard Format for Computing the Shift Relief Factor
Uniform Manning Formula Computation
 (Adapted to Hawaii)

Step		7-day posts	5-day posts
A	1. No. of days per yr. agency is closed, no services offered	<u>0</u>	<u>0</u> (a)
B	2. No. of agency work days per year	<u>365</u>	<u>260</u> (b)
C	3. Annual total of days off per employee (52 weeks x 2)	<u>104</u>	<u>104</u> (c)
D	4. No. of vacation days per employee per year	<u> </u>	<u> </u> (d)
E	5. No. of holidays per employee per year	<u>0</u>	<u>0</u> (e)
F	6. No. of sick days per employee per year	<u> </u>	<u> </u> (f)
G	7. No. other days off per employee per year (time off for all purposes except those covered by steps 4, 5, 6, and 8)	<u> </u>	<u> </u> (g)
H	8. No. of training days per employee per year	<u> </u>	<u> </u> (h)
I	9. Total no. days off per employee per year [(c) + (d) + (e) + (f) + (g) + (h) = (i)]	<u> </u>	<u> </u> (i)
J	10. No. of work days per employee per year [365 - (i)]	<u> </u>	<u> </u> (j)
K	11. Lunches and breaks, down time	<u>0</u>	<u>0</u> (k)
L	12. No. of work days per employee per year [(j) - (k)]	<u> </u>	<u> </u> (l)
	13. Shift relief factor [(b) divided by (l)]	<u> </u>	<u> </u> (m)

An Assessment of the Proposed Shift Relief Factors

We found that the shift relief factors the department proposed to the 1992 Legislature (see Exhibits 2.2 and 2.3) were not supported by accurate data. These proposed factors were based on a special study carried out in 1991 by research statisticians in the department's Office of Planning, Programming, and Budget. We reviewed the study's methodology and its source data and found shortcomings with respect to both.

In response to our concerns, the department developed different shift relief factors. While the corrected shift relief factors appear to be reasonable, serious weaknesses in data sources undermine their reliability. Without a reliable information base, the shift relief factors lack credibility.

Different methodology used

Our consultant found that the methodology used in the special study varied in two major ways from that followed in other jurisdictions: (1) the length of time covered by the sample and (2) the type of sample used. Because of these differences, it was difficult for him to compare this study with those in other jurisdictions or to determine whether a sufficient sample had been used.

The usual methodology covers at least a one-year period, but the special study covered only six months in 1991. In terms of the type of sample, the usual practice is to include all regular security employees who are employed for the entire study period. The special study focused instead on *positions*. Positions may not be as stable a base for measurement due to turnovers that may occur during the time period of the study.

In response to our questions, departmental personnel prepared another analysis covering the entire calendar year of 1991 and including only those security employees on staff during all of this period. We then compared the new data with the data that had been presented to the Legislature.

Comparison of special study with new study

The special study covered 893 positions for a period of six months in 1991. The new study covered 687 permanent security employees for all of 1991. In both cases, the source used for the data was the standard statewide form for recording employee leave time, DPS Form 7. For the new study, training data for new recruits were added to the data base. In addition, the new study used a different technique for calculating vacancies.

Exhibit 2.2

Uniform Manning Formula Computation for 7-Day Posts

(Revised Shift Relief Factor Proposed to the 1992 Legislature by the Department of Public Safety)

Step

1. Number of days per year that the agency is closed, i.e. no services offered. 0 (a)
2. Number of agency work days per year 365 (b)
3. Number of regular days off per employee per week (usually 52 weeks/yr. X 2 days off per week) 104 (c)
4. Number of vacation days off/employee/year 13.8 (d)
5. Number of holidays off per employee per year 0 (e)¹
6. Number of sick days off per employee per year (should be actual average for facility staff) 16.5 (f)
7. Number of other days off per employee per year (including time off for injuries on the job, filling vacancies, military leave, funeral leave, unexcused absences, disciplinary time off, special assignments, etc.) 31.7 (g)
8. Number of training days per employee per year 5 (h)
9. Total number of days off per employee per year [(c) + (d) + (e) + (f) + (g) + (h)] = (i) 171 (i)
10. Number of actual work days/employees/year [365 - (i)] 194 (j)
11. Lunches and breaks per employee = (j) X 0.0625 down time factor 0 (k)
12. Actual work days per employee = (j) - (k) 194 (l)
13. Shift relief factor = (b) divided by (l) 1.88

1. In Hawaii, holidays should not be included in this computation.

Exhibit 2.3

Uniform Manning Formula Computation for 5-Day Posts

(Revised Shift Relief Factor Proposed to the 1992 Legislature by the Department of Public Safety)

Step

1. Number of days per year that the agency is closed, 0 (a)
i.e. no services offered.
2. Number of agency work days per year 260 (b)
3. Number of regular days off per employee per week 104 (c)
(usually 52 weeks/yr. X 2 days off per week)
4. Number of vacation days off/employee/year 13.8 (d)
5. Number of holidays off per employee per year 0 (e)¹
6. Number of sick days off per employee per year 16.5 (f)
(should be actual average for facility staff)
7. Number of other days off per employee per year 31.7 (g)
(including time off for injuries on the job, filling
vacancies, military leave, funeral leave, unexcused
absences, disciplinary time off, special assignments,
etc.)
8. Number of training days per employee per year 5 (h)
9. Total number of days off per employee per year 171 (i)
[(c) + (d) + (e) + (f) + (g) + (h)] = (i)
10. Number of actual work days/employees/year 194 (j)
[365 - (i)]
11. Lunches and breaks per employee = 0 (k)
(j) X 0.0625 down time factor
12. Actual work days per employee = (j) - (k) 194 (l)
13. Shift relief factor = (b) divided by (l) 1.34

1. In Hawaii, holidays should not be included in this computation.

The differences between the two studies in average times lost are shown below:

	Special Study	New Study
Vacation leave	13.80	17.54
Sick leave	18.51	18.87
Other (except vacancies)	19.04	19.05
Vacancies	14.67	26.52
Training time	0.91	1.83
Total	64.93	83.81

The new study shows more time lost for vacation leave and sick leave. This may be because the new study excluded persons employed for less than a year who had not earned as much leave credit and therefore used less leave time.

Between the two studies, the time lost for other reasons (excluding vacancies, vacations, sick leave, and training) is remarkably close—19.04 days for the special study and 19.05 days for the new study. This suggests that these rates of lost time are reasonably accurate.

The two studies differ most significantly in time lost through vacancies. The new study's figure of 26.52 days is almost double the special study's figure of 14.67 days. Differences in data sources and in ways of computation help to explain this variance. The special study did not include more than 100 positions out of the total authorized position count. Out of 1001 authorized positions, it had counted the total time that only 893 positions were vacant. The new study determined the average number of vacancies for the year—102—and then computed an average number of days lost to vacancies for authorized employees. The computation was 102 (average vacancies) times 260 (maximum number of working days per year per person based upon a 5-day workweek) divided by 1,000 (the approximate work force for the year). The department needs more adequate data on vacancies before confidence can be placed in the 26.52 number. A high vacancy rate impacts significantly on the shift relief factors, resulting in substantial increases in staffing requirements.

Resulting changes in the shift relief factor

We entered the new data in the Uniform Manning Formula Computation (see Exhibit 2.4) and compared them with the data the department presented to the Legislature. The new numbers for days lost, particularly those due to vacancies, resulted in a significant change in the shift relief factors.

Exhibit 2.4
Uniform Manning Formula Computation Using Data
from New Study

Step	7-Day Posts	5-Day Posts	
1. Number of days per year agency is closed, i.e., no services offered	<u>0</u>	<u>0</u>	(a)
2. Number of agency work days per year	<u>365</u>	<u>260</u>	(b)
3. Annual total of regular days off per employee week (usually 52 weeks times two days per week)	<u>104</u>	<u>104</u>	(c)
4. Number of vacation days off per employee per year	<u>17.54</u>	<u>17.54</u>	(d)
5. Number of holidays off per employee year	<u>0</u>	<u>0</u>	(e)
6. Number of sick days off per employee per year	<u>18.87</u>	<u>18.87</u>	(f)
7. Number of other days off per employee per year (includes time off for all purposes except those covered by steps 4, 5, 6, and 8)	<u>45.57</u>	<u>45.57</u>	(g)
8. Number of training days per employee per year	<u>5</u>	<u>5</u>	(h)
9. Total number of days off per employee per year [(c) + (d) + (e) + (f) + (g) + (h) = (i)]	<u>190.98</u>	<u>190.98</u>	(i)
10. Number of actual work days per employee per year [365 - (i)]	<u>174.0</u>	<u>174.0</u>	(j)
11. Lunches and breaks, down time factor [(j) X 0.0625]	<u>0</u>	<u>0</u>	(k)
12. Actual number of work days per employee per year [(j) - (k)]	<u>174</u>	<u>174</u>	(l)
13. Shift relief factor [(b) divided by (l)]	<u>2.10</u>	<u>1.49</u>	(m)

Based on the new data, the number of days for vacation leave is increased to 17.54 and the number for sick leave is increased to 18.87.

The department's exhibits had shown 5 days for training. But the special study showed less than a day—0.91—for training and the new study showed 1.83 days. The department explained that it had decided to use 5 days because that was the minimum number of yearly training days prescribed by departmental policy. It did not use the actual time spent on training because the data source (the DPS Form 7s) did not accurately reflect training leave. Other information on training was not readily available.

The department did not note in its presentation to the Legislature that, unlike the other data, the number for training did not represent actual experience. But until more adequate data are available, the number set by policy—5 days—is probably as good as any number. However, the department has the burden of demonstrating that this much training is actually being provided.

The number of other days off in Step 7 increased from the 31.7 in the department's exhibits to 45.57 because of (1) the inclusion of leaves previously excluded and (2) the increase in the number of days off due to vacancies (19.05 for other except vacancies + 26.52 for vacancies).

Using the data from the new study, the shift relief factor for 7-day posts would be 2.10 instead of the 1.88 shown in Exhibit 2.2 and for 5-day posts it would be 1.49 instead of the 1.34 shown in Exhibit 2.3. Considering the shortcomings in the data used for both studies, however, at the present time there is no definitive answer as to what the shift relief factors should be.

Unreliable Data Sources

The department is in the process of developing a computerized administrative information system, but the new system is not yet operational. As a result, both studies relied on data which are manually maintained at the individual institutions. The institutions are inconsistent and sometimes inaccurate in the way they record leave data.

Inconsistencies in recording leave data

The data are taken from the DPS Form 7, a statewide form used to keep track of leave time for employee pay and benefit purposes. The correctional institutions are inconsistent in the way they record leave data. Various institutions use different codes and differing ways of recording leaves on the forms. For example, because the DPS Form 7 does not have codes for all types of leaves, some of the personnel have

devised their own codes. In addition, personnel have recorded absences and training in different ways. Some have not reported training time at all. Personnel were also inconsistent in reporting changes from one type of leave to another, such as from sick leave to workers' compensation leave.

Problems in this area became apparent during our review. In particular, it was noted that the training (240 hours) required of new security recruits was not being recorded on the DPS Form 7s. Data on this could be drawn from the department's training office, but information on other training was not available. As a result, no confidence can be placed in the number shown for training.

The inconsistencies occur because the department has neither a program to train personnel on the proper use of the DPS Form 7 nor a method to monitor compliance and consistency. The department also has to decide whether the DPS Form 7 will be used to record all leave time, including leave time for training.

Inaccurate records

Our financial auditors found in a concurrent financial audit that incorrect and improper data were being recorded on the DPS Form 7s. They were unable to confirm actual hours worked because many attendance sheets could not be found, others lacked employee signatures, some lacked sign in and sign out times, and some were signed in and out incorrectly.

Our auditors also found instances where employees' timesheets showed vacation or sick leaves taken that were not recorded on the DPS Form 7. This means that employees may be taking leave without having leave request forms approved. In addition, leave records were not always mathematically correct—that is, hours accumulated at the beginning of the year plus hours earned less hours taken did not agree with the balance on the leave records.

The DPS Form 7 is the official leave record for every state employee. It is used to determine amount of vacation leave due when employees resign or retire from state service. Accumulated sick leave, at the time of retirement, is also used to increase the amount of retirement pay a retiree is entitled to. It is essential that the balances be accurate. Failure to record vacation and sick leave annually taken inflates the amount of vacation and sick leave for which the State is liable. Such extra leave may also contribute to the problem of excessive overtime.

All leave taken and recorded on the time sheets should be supported by an approved leave request form. Further, computations of accumulated leave should be checked for mathematical accuracy.

Need for accurate data

The department needs to develop and maintain basic data to assure the proper and accurate calculation of the shift relief factors. More accurate data would also help the department to manage more effectively. Manually maintained DPS Form 7s are not only difficult to access, but they are also being handled in ways that are inconsistent, incomplete, inaccurate, and improper.

The department has undertaken a large effort to computerize the information. Along with computerization, the department must train all employees who enter or use data in the computerized system. Attention must also be paid to internal controls to ensure accuracy.

A Questionable Base

The shift relief factor is applied to a base to arrive at the number of security staff needed. A sound base is as important as the ratio. The base consists of the total number of security work positions that are deployed throughout the correctional institutions.

Correctional security posts take a variety of forms, such as guarding the main entrances, staffing watch towers, and patrolling the perimeters of medium and high security facilities. Supervisory and support posts operate out of central control centers at the various institutions. Other posts are situated throughout an institution where inmates may be allowed to go—such as kitchens, laundries, medical clinics, recreational areas, and classrooms. Posts are set up to watch over inmate residential units, whether they be barred cells or dormitory type facilities. Still other posts have search and escort duties and bear responsibility for the safe transfer of inmates within and between institutions or other agencies.

To a great extent, maintaining security depends upon locks, strong barriers, and tight procedures to control passage through the barriers. In low security institutions, security staff must supervise and maintain accountability over inmates rather than ensure strict security. In more progressive correctional systems, the security staff are directly involved in programs and activities of inmates. In all instances, clear, appropriate, and specifically applicable post orders, as well as adequate supervision, are essential to the proper functioning of the posts.

A security post represents the work of one person. A security work position is the work at one post for one 8-hour shift. The security staffing base is the total number of work positions. If the shift relief factor is applied to an inadequate base, security coverage will be inadequate. If it is applied to an inflated base, there will be excess security coverage. Management decisions on the number and

placement of work positions become critical with respect to personnel resources. To assure a proper base, a number of interrelated steps should be taken. The steps may be structured in the form of the model set forth below.

Model for managing security staffing

In well run correctional systems, the establishment and maintenance of security posts and security work positions are guided by the following management actions:

Basic policies and guidelines. Formulate and adopt at the system level a comprehensive set of staffing policies and procedures, including criteria and guidelines for determining the need for and location of security posts and security work positions.

Security post and work position plans. Develop at the institutional level a security post and work position plan using system level criteria and guidelines. The plans should identify posts and work positions, describe their location and function, and depict them graphically on institutional plot plans. The plans should also prioritize posts to show which ones can be closed down temporarily to meet occasional staff shortages.

Security post orders. Develop institutional level security post orders that give general and detailed instructions to personnel staffing the work positions. The post orders should be available at the posts and personnel should be familiar with them.

Master security rosters. Review and approve at the system level security post and work position plans developed by each institution along with the post orders. These should be incorporated into master security rosters for each of the institutions with copies available at the system and institutional levels. These become the official security staffing bases for each institution and are not changed without system level approval.

Staffing complement. Develop at the institutional level a staffing complement to cover the approved security post and work position plan, subject to system level approval. Ideally, this would result from applying the shift relief factors.

Advance schedules. Formulate schedules at the institutional level to assign security personnel to posts in advance and revise the schedules periodically to rotate shifts.

Daily rosters. Use daily rosters for work positions to account for all employee positions, including vacant positions. Rosters

include presence on the job or reason for absence (vacation, sick leave, training, detached assignment). They also indicate when overtime is being used.

Monitoring of performance. Install procedures to enable the system level to monitor institutional performance and compliance. The procedures should include regular reporting and periodic compliance audits.

Amending and updating. Establish procedures for amending both the security post and work position plans and the staffing complements, as well as for conducting periodic reviews and revisions of the plans and complements.

This model approach assures that security posts and work positions are founded upon careful analysis and serve as firm and defensible support for the base to which shift relief factors are applied.

Comparing Hawaii with the model

While the department has taken action in several of the above areas, its actions still fall short of what is needed to ensure a sound base. Indications are that some security posts and security work positions are duplicative or unnecessary. Policies and procedures and better post orders and rosters are needed.

Basic policies

The department lacks policies and procedures for security staffing as well as criteria and guidelines for security posts and work positions. The various institutions are at different stages in developing master security rosters and seem to make little or no use of post or work position plans. Neither do they prioritize the posts; one institution simply classifies all posts as top priority.

In the absence of criteria and guidelines, current staffing appears to be based primarily on tradition and past practice. Appendix A contains our consultant's comments on posts in individual institutions that warrant more thorough scrutiny. He notes, for example, that Oahu Community Correctional Center is the most over-staffed. Among posts that need to be examined are those relating to housing units, parking lots, and medical facilities. A 24-hour post to oversee a parking lot currently costs the State \$150,000 a year. Two staff members are assigned to a small medical wing even when there are no inpatients.

The department has begun to require the institutions to prepare master security rosters to be reviewed at the departmental level. However,

the process is still in the formative stages. In the meantime, no approved and agreed upon security staffing base exists at the departmental and institutional levels.

Post orders

The institutions vary widely in their post orders. At some, the orders appear well developed, complete, and up to date; and staff seem knowledgeable about them. At others, the orders are very general and have not been updated in years; and staff appear unfamiliar with them or even unable to locate them. The department has developed policies in this area but compliance at the institutional level is inconsistent.

Daily rosters

The institutions use a variety of daily rosters. These rosters are inconsistent and do not account for vacant positions. This prevents ready reconciliation of actual staffing against authorized staffing or an assessment of the impact of vacancies on overtime costs.

Inefficient and ineffective scheduling practices

Institutions continue to use inefficient and inappropriate scheduling practices. For example, they make assignments on the basis of seniority. This could jeopardize security if only inexperienced staff are on duty. It is also common practice to allow all security staff at least one weekend day off. This complicates scheduling and weakens security. The department should set clear policy in this area and then require each institution to review its scheduling methods to make sure that these result in the most efficient and effective use of security employees.

Conclusion

Based on our review, we conclude that the department has made a well-intentioned effort to justify a revision of the shift relief factors. Although there is no assurance that the numbers are accurate, Hawaii's shift relief factors fall within the range of those of other jurisdictions with similar leave policies. However, the base to which the shift relief factors are applied is questionable. The department needs to develop a management system that will ensure appropriate and justifiable work positions.

To deal with these problems, the department needs to give top level attention to security staffing, including monitoring developments that affect the computation of the shift relief factors. Currently there appears to be no one below the director's level with responsibility for

security staffing and for ensuring that appropriate shift relief factors are maintained. The director should assign responsibility for monitoring security staffing and for recommending corrective actions where these may be indicated.

Recommendations

1. The Department of Public Safety should fix responsibility for security staffing at a senior management level. Senior management should also be responsible for assuring the reliability of data used in calculating the shift relief factors.
2. The department should train its personnel in the proper use of the DPS Form 7 and establish internal controls to ensure the accuracy of data recorded on the forms.
3. The department should install a system for managing security staffing based on a model that includes:
 - a. Security staffing policies and procedures, as well as criteria and guidelines for determining whether posts are necessary.
 - b. Approved security post and work position plans that are incorporated into master security rosters.
 - c. Approved post orders for all posts included in the master security rosters.
 - d. Approved staffing complements to fit the approved master security rosters.
 - e. Schedules to achieve proper coverage of security posts and work positions included in the master security rosters.
 - f. Methods of scheduling that result in the most efficient use of staff.
 - g. Departmental monitoring of performance and compliance at the institutional level.
 - h. Provisions for amending and updating master security rosters and staffing complements.
4. Before approving a revised shift relief factor, the Legislature should require the department to submit a more reliable and valid base. The base should be developed from new institutional post and work position plans that meet system level criteria and guidelines.

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Chapter 3

Control of Overtime and Leaves

In this chapter, we assess some management actions that have a significant and direct impact on security staffing for Hawaii's correctional system. These include management control over leave time and overtime. The amount of leave time granted and the manner in which it is controlled and accounted for affect the numbers in the shift relief factor.

Summary of Findings

The most serious security staffing problem facing Hawaii's correctional system is the high costs for overtime—over \$8.4 million in fiscal year 1991-92. Overtime is one aspect of a more general problem relating to management control of various forms of lost time due to leaves and vacancies. This lost time directly affects the computation of the shift relief factors.

Management of Overtime and Factors Affecting Lost Time

Large overtime costs are often the result of poor management. For FY1991-92, the Legislature authorized \$3.8 million for overtime costs at the correctional institutions. The institutions' costs for overtime for this period exceeded \$8.4 million. Our consultant deplored the amounts being spent on overtime.

The pervasiveness and magnitude of the overtime problem can be seen in the overtime payments made to individual security employees during FY1991-92.

- 285 security employees, or almost one-third of the total, earned, in addition to their regular pay, \$12,000 or more each in overtime pay.
- Of these, 89 earned more than \$20,000 each in overtime pay.
- Of the 89 top earners of overtime pay, 6 earned more than \$30,000 each in overtime pay for the year.
- The very top earner received more than \$36,750 in overtime pay.

Management responsibility for overtime

Supervisors responsible for approving overtime and controlling expenses received overtime pay as well as regular members of the security staff. One watch captain received almost \$29,000 in overtime pay giving him a total annual pay of more than \$66,000.

Overtime pay is designed to deal with the unusual, not the usual. Because of its higher cost, it should be avoided unless absolutely necessary. The automatic premium pay required for holidays may be unavoidable, but most of the time management has some options regarding the use of overtime. This means that management has the responsibility and the obligation to control overtime to the fullest extent possible and to accept and observe budget authorizations for overtime as *ceilings* and not as *floors* for further expenditures. Management includes everyone in the organization who has responsibility for authorizing expenditures, approving the use of overtime, and overseeing the time and attendance of employees.

Large overtime expenditures may indicate that operations are severely understaffed. They may also indicate that management is not exercising effective control over lost time—such as employee leave time and vacancies. Lost time figures importantly in the computation of shift relief factors, so it is appropriate to look at the management control that is being exercised over the elements that affect lost time and attendant overtime.

Management can take a number of actions to bring lost time and overtime under control. These include improving supervision and scheduling, filling vacancies as quickly as possible, making sure that all posts and work positions are actually essential, and establishing priorities for temporarily closing down posts to meet short-term staffing shortages. Underlying all of these is a process for closely monitoring what is happening with each type of lost time and with the use of overtime.

Types of lost time

We found a general failure among the security staff to appreciate the importance and urgency of controlling lost time and overtime. We summarize below certain categories of lost time and our assessment of the process for approving overtime.

Training time. As indicated in Chapter 2, how much leave time is actually being devoted to training is not known except for the initial training given to new security recruits. Training time is inconsistently recorded on the DPS Form 7 leave forms. The training office has computerized data for recruits receiving initial training, but has no

readily accessible information on other types of training. Department policy calls for at least five days of training per year for each security employee. This significant amount of time away from the job should be taken into consideration when scheduling staff. It should be receiving much more attention.

Vacancies. Keeping positions vacant is a way to save money. Just the opposite effect is achieved, however, if replacement help is sought at overtime rates. The latter is the case in Hawaii's correctional system.

The department's 1991 special study found that vacancies are the second highest cause of lost time, exceeded only by sick leave. The 1992 corrected study shows they are by far the highest cause of lost time. According to the departmental personnel office, total vacant positions during calendar year 1991 averaged 162 per month, or more than 15 percent of the authorized security force. In June 1992, the vacancy total was 109, or about 10 percent of the authorized work force. This is an improvement but the vacancy rate remains too high.

Contributing to the problem are difficulties in keeping track of the extent and effects of vacancies. For example, the institutions use a variety of daily rosters for recording security staff time and attendance, but none of these rosters are used to keep daily track of vacancies. Inconsistent and incomplete reports make system level monitoring almost impossible.

Two separate offices in the department maintain data on authorized employee positions and on vacancies with no apparent coordination between them. Tracking of vacant positions is further complicated since positions are classified as vacant even when they are temporarily filled with persons hired on an emergency basis.

Considering the financial impact of vacancies on overtime expenditures, the department should closely monitor the relationship between authorized positions and vacancies and the resultant impact on overtime.

Sick leave. The department's studies show sick leave as a large cause of employee lost time. According to our consultant, Hawaii ranks high in this category when compared with mainland jurisdictions.

Sickness is unpredictable and thus, in a sense, uncontrollable, but sick leave is also susceptible to abuse. During our tours of the correctional institutions we often heard that some security staff were abusing their sick leave rights.

Our financial audit of the department, conducted concurrently with this review, supports the view that abuses seem to be occurring. In examining a sample of security staff, our financial auditors found some employees working two shifts on their regular days off for which they were paid at overtime rates and then calling in sick on their next regular day of duty.

Management has a right to investigate abuses in sick leave. Management can even require an employee requesting sick leave to be examined by a physician to verify illness. We believe that the department should remain alert to possible abuses of sick leave and be prepared to take appropriate action.

Vacation time. Vacation time accounts for a considerable amount of lost time in calculating the shift relief factors. The department cannot control the number of days of vacation time taken within earned limits, but it can exercise considerable control over how the leave is scheduled. Vacations should be scheduled as evenly as possible over the entire year to avoid staff shortages. We found wide variations among the institutions in their vacation schedules—while some scheduled vacations fairly evenly over the year, others showed pronounced peaks and valleys in their vacation schedules.

Lax approval of overtime

Over the years, system level management has exercised little control over the approval of overtime. The result has been runaway overtime costs. Stricter control over the use of overtime appears warranted.

Our financial auditors found a pattern of abuse in overtime that was being approved by supervisors. As an example, at the Halawa facility two employees worked two unscheduled 8-hour shifts which were paid on an overtime basis on the first of two days they were scheduled to be off. They then took the next day off, as scheduled, and took vacation, sick leave, or compensatory ("comp") time on the following work day. One individual did this 25 times, the other 30 times (out of a possible 52 times during the year). Shift supervisors approved this by signing the timesheets.

Shift supervisors also approved timesheets authorizing overtime when no overtime was earned or worked. For example, employees can earn overtime pay by working three full consecutive weekends. We found supervisors approved timesheets on which employees had claimed overtime credit for working three full consecutive weekends when, in fact, they did not work three full consecutive weekends.

They also found instances where supervisors approved employee timesheets that claimed overtime for work performed during the employees' regularly scheduled shift.

When supervisors approve timesheets, they are in essence approving invoices for payment—that is, they are authorizing the State to pay a person based upon work performed and hours worked. When employees sign timesheets they are, in effect, submitting a certified invoice of hours worked, sick leave, vacation leave, compensatory time, and overtime or other premium pay due. Supervisors who approve erroneous timesheets may cost the State unearned overtime payments. Supervisors are responsible for insuring that the timesheets they approve reflect actual and proper hours worked.

Management control begins with clear and firm instructions from the system level that overtime (apart from premium pay automatically paid on holidays) is not to be approved except when a documented emergency exists or when an essential post will be left uncovered. This means that both the institution and the system levels will have reviewed, approved, and established priorities for each post and work position. The institutions should also carefully schedule controllable forms of leave time (vacations, training, etc.) to ensure coverage of work positions. The system level should monitor performance and compliance at the institutions and impose appropriate sanctions when necessary.

The department has yet to adopt these controls. It has not issued clear and firm instructions in writing. It has no process for reviewing and justifying all security posts and work positions and no consistent program of prioritizing them. The scheduling of vacation leave and training leave is uneven, and current monitoring of overtime is virtually non-existent. The director only recently instituted a manual reporting system through which the institutions must detail and justify their use of overtime.

No sanctions have been imposed even though certain institutions have exceeded their authorized budgets for overtime—often by two or three times the budget limits and sometimes in dollar amounts exceeding \$1 million. Yet it does appear possible to bring overtime under control. One of the smaller institutions has been able to stick fairly close to its authorized budget for overtime.

Recommendations

The Department of Public Safety should establish appropriate management controls over lost time and overtime. The controls would include:

- a. Implementing information systems to keep track of each category of lost time and any resultant overtime.
- b. Examining the causes of vacancies and attempting to fill them as soon as possible.
- c. Being alert to the use and possible abuse of sick leave and making supervisors responsible for approving only overtime claims that are accurate and appropriate.
- d. Scheduling vacations evenly throughout the year.
- e. Establishing and prioritizing all security posts and work positions and limiting the use of overtime to documented emergencies or non-coverage of critical posts.

Notes

Chapter 1

1. F. Warren Benton, *Planning and Evaluating Prison and Jail Staffing, Volume I*, Washington, D.C., U.S. Department of Justice, National Institute of Corrections, 1981, pp. 2-4.

Chapter 2

1. For example, some security posts may function only one or two days per week, such as happens when certain areas are set aside for outside visitations to inmates but visitations are allowed only one or two days per week. When this happens, it is necessary to use a separate relief factor for each variation when determining staffing requirements.

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APPENDIX A

Summary of Institutional Observations

This appendix summarizes the Consultant's observations at each of the institutions visited. The reader should note that this report does not represent the findings of a full position audit, nor an analysis of the total staffing needs of the system or any of its institutions. Although some limited comments will be made on staffing at individual facilities, this material was compiled to gain an overall picture of the staff utilization and management system in place, not to develop specific findings or recommendations for any one institution.

As an additional note, while staff/inmate ratios are referenced in these descriptions, they should not be regarded by the reader as an absolute guide to staffing adequacy or inadequacy. They are a convenient but sometimes misleading benchmark, and the Consultant has used them only because there have been no recent attempts to ascertain the actual staffing needs at any of these facilities through a comprehensive analytical process.

Oahu Community Correctional Center

Oahu Community Correctional Center was visited on July 14th and 15th; the inmate count at the time of that visit was 846. The institution has an authorized complement of 365 positions, yielding a staff/inmate ratio of 1/2.32. There were 22 vacancies at the time of the survey.

This facility is the most over-staffed and uses the greatest amount of overtime of any in the system. One gains the impression that if the complement here were 1,000, there would still be overtime granted. This institution probably demonstrates a greater lack of managerial control over overtime than any other facility, with the possible exception of Halawa.

The institution was budgeted in FY1991-92 for \$1,900,677 in overtime. Actual overtime expended through June 1992 was \$3,476,000. This clearly is excessive, particularly in view of the generous complement and the absence of any institutional emergencies that might have generated uncontrollable overtime, a statement true for all of the institutions surveyed in this project.

Some of the overtime problems are clearly attributable to managerial inaction. Staff members had not prioritized posts to be used as "pull posts" to avoid overtime, as requested by the central office last September when the Data House survey was under way. Managers here indicate they consider every post as a Category A (required) post that must be covered with overtime when a vacancy occurs.

Other problems can be attributed to the fact that when the master roster was developed here, there were at least 35 posts that were not covered. As a result, overtime was required from the beginning. Overtime is being used primarily because of the vacated positions. However, if the facility is only authorized 365 positions, then over a period of time there are ways to deploy them in a fashion that would only require 365 staff.

Beyond these elements, there is a need to look at some of the posts. Areas that will require concentrated attention include: housing units, parking, tower 6, medical, transportation, and supervisory positions.

The housing units are staffed under a formula that assigns two staff members on all shifts in 48-bed units; put quite simply, this level of staffing is not necessary. There also are two staff members in the 72-man units. Most certainly, only one staff member is needed in all units on the first watch, and the Consultant urges that the agency consider dropping coverage in the 48-bed units to 1 staff member per shift.

Like many other locations, management officials here assert that a major problem is the lack of responsiveness in the labor management section of the central office and the State Department of Personnel Services. They indicated these components are not supportive enough of their efforts to discipline employees who are abusing sick leave or otherwise reporting irregularly. As an illustration of the scope of the problem, from January 1 to December 22, 1991, 169 people were on leave without pay status at this site.

There were very few employees with even a minimum accumulation of sick leave, indicating high level of usage, and making it impossible to meet complement needs. Management here has prioritized posts, but there still is a major overtime problem.

Halawa was budgeted in FY 1991-92 for \$1,189,353 in overtime. Actual overtime expended through June 1992 was \$3,035,000.

The Consultant visited this facility on July 15th and 16th; the count at the time of his visit was 1,168. The institution has 298 authorized positions, yielding a staff/inmate ratio of 1/3.92. There were 27 vacancies here, and management staff cannot fill the complement.

Halawa Correctional Facility

In general, the principle in place here appears to be to staff the institution each day for every eventuality. In the Consultant's view, for day-to-day operations, safe staffing can be far below those extreme levels.

Laumaka Community-Based Unit is a satellite facility located two blocks from the main Oahu facility. Every shift change, Laumaka staff members are required to come to the main institution for roll call; they also sign out there at the end of their shift. As a result, all of its staff receive at least 30 minutes overtime every shift. Since there are supervisory personnel at this location, they could handle these timekeeping functions at Laumaka itself, eliminating \$20-30,000 a year in regular overtime.

There are two locksmith/key control positions when one could suffice.

Staff members should review the transportation section (documenting hours spent on trips) because some idleness was seen at certain times. The Consultant has no view as to whether the number of staff is too large or too small; with the proper documentation of activity here, local staff can make that determination.

It may be possible to combine the school and library posts; they are within 30 feet of another post.

The medical department warrants scrutiny; two staff members are assigned there in a small wing with no inpatients--one would suffice.

A ground-level tower (#6) is operated 16 hours a day on the yard and could be vacated; a past escape in that vicinity is not sufficient justification for continuing this coverage.

The parking lot post costs the State \$150,000 a year, an expenditure the Consultant views as a total waste.

Where two staff members are left in modules, they could be prioritized as pull posts in some cases to reduce overtime.

In addition to the personnel-related issues observed here, the facility has some serious security problems that were pointed out to a security manager. Inasmuch as this project was not oriented toward a security review, those details will not be included in this report.

As a final, more positive note, the administrative segregation unit at this location was well-maintained and designed, and was operating effectively. Staff members should be commended for their efforts in this important area.

Waiawa Correctional Facility

The Consultant visited Waiawa on July 16th. The inmate count was 170. The authorized complement was 54, yielding a staff/inmate ratio of 1/3.15 which is a high staff complement for a minimum security institution.

Waiawa was budgeted in FY1991-92 for \$207,168 in overtime. Actual overtime expended through June 1992 was \$422,000.

While this minimum security facility used more than double the amount of authorized overtime, many similar institutions operate with less than half of the authorized complement to begin with. The high staffing levels here should be a focus area for the Security Manager to review; inmate accountability at this security level does not require this many employees.

Women's Community Correctional Center

The Women's Community Correctional Center was visited on July 17th. The inmate count at the time of the visit was 99. The institution has an authorized complement of 66 positions, yielding a very high staff/inmate ratio of 1/1.15, again, a high staff complement. There were 7 vacancies at the time of the visit.

The institution was budgeted in FY1991-92 for \$225,338 in overtime. Actual overtime expended through June 1992 was \$646,000.

In addition to an overage of line staff, this location appeared to be somewhat top heavy in supervisory personnel with both a watch commander and watch supervisor on a 24-hour basis. One or the other can be eliminated to save five positions.

Staff here are making preparations for a move to another nearby location, to what is now a youth facility. At that time, it will be incumbent upon the department to conduct a complete staffing review to assess the staff levels required by the new physical plant, hopefully reducing the number of employees required.

Kulani Correctional Facility

The Kulani Correctional Facility was visited on July 20th. The inmate count at the time of the visit was 180. The institution has an authorized complement of 50 positions, yielding a staff/inmate ratio of 1/3.6.

The institution was budgeted in FY1991-92 for \$111,587 in overtime, and actual overtime expended through June 1992 was \$208,000.

This minimum security institution is located in an isolated area. It has an active work program which is the most effective the Consultant has seen in this system. However, with the count increasing, this location needs to be reviewed in the near future for appropriate staffing levels.

Management here has prioritized posts, but the other staff management systems that are recommended in this report are still absent.

Hawaii Community Correction Center

The Hawaii Community Correctional Center was visited on July 20th. The inmate count at the time of the visit was 101. The institution has an authorized complement of 58 positions, yielding a staff/inmate ratio of 1/1.7.

The institution was budgeted in FY1991-92 for \$95,540 in overtime. Actual overtime expended through June 1992 was \$363,000.

The Hale Nani housing unit was recently activated here, requiring 13 additional positions. It is located some distance from the main facility and has no program space. However, this arrangement otherwise appears to be working well.

Maui Community Correctional Center

The Maui Community Correctional Center was visited on July 21st. The inmate count at the time of the visit was 124. The institution has an authorized complement of 61 positions, yielding a staff/inmate ratio of 1/2.03. There were nine staff vacancies. In addition, three staff members who otherwise would have been on workers' compensation are on light duty, filling posts that are not on the master roster.

The institution was budgeted in FY1991-92 for \$67,891 in overtime. Actual overtime expended through June 1992 was \$226,000.

There are plans for an expansion unit here that will add about 100 beds, and another new building will be built outside the perimeter with an additional 40 beds.

There also are plans to build another 89-bed dormitory next year, so the count at this location will increase dramatically in a relatively short period of time.

Post orders are in the process of being revised, and staff indicated that some work will be done on annual leave and training scheduling. However, management here has not yet developed master or daily rosters, and still is using a sign-up system for time and attendance recordkeeping. This must be changed so that these functions are performed in accord with central office direction.

Kauai Community Correctional Center

The Kauai Community Correctional Center was visited on July 22nd. The inmate count at the time of the visit was 68. The institution has an authorized complement of 35 positions, yielding a staff/inmate ratio of 1/1.9.

The institution was budgeted in FY1991-92 for \$52,236 in overtime, and actual overtime expended through June 1992 was \$60,000. These figures suggest that the administration here is doing a relatively good job in keeping overtime to a minimum, and in general, this location impressed the Consultant as a well-managed institution.

An 80-bed minimum security unit will be added here in the near future. The director is taking an active interest in the planning for this project.

There is a major problem at this location in that a past practice has been established with the union with respect to staff days off. Management has allowed a situation to develop where staff are assured of having at least one weekend day off, severely constraining the management right to assign employees as needed for the overall good of the institution. This issue should be addressed and corrected in the next contract negotiation session.

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Response of the Affected Agency

Comments on Agency Response

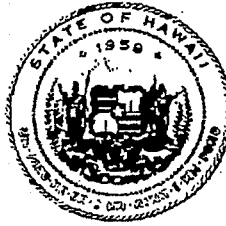
We transmitted a draft of this review to the director of the Department of Public Safety on November 24, 1992. A copy of the transmittal letter is included as Attachment 1. The director's response is included as Attachment 2.

The department did not respond to our recommendations. Instead it took exception to our finding that the data used to calculate the shift relief factor are not reliable. Nevertheless, it acknowledges that it will be addressing the problem of standardizing the way leaves are recorded and making sure that persons responsible are properly trained.

The department also says that we denied it full access to our consultant's report. We had previously notified the department that, until the report is issued, our consultant's communications to us are confidential. Once the report is published, the consultant's work becomes part of our official working papers. Like the working papers for all our audits and studies, these working papers are available for public inspection.

ATTACHMENT 1

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawaii 96813-2917



MARION M. HIGA
State Auditor

(808) 587-0800
FAX: (808) 587-0830

November 24, 1992

C O P Y

The Honorable George W. Sumner
Director of Public Safety
677 Ala Moana, Suite 1000
Honolulu, HI 96813

Dear Mr. Sumner:

Enclosed are three copies, numbered 6 through 8, of our draft report, *A Review of a Formula for Security Staffing at the Department of Public Safety*. We ask that you telephone us by Friday, November 27, 1992, on whether you intend to comment on our recommendations. If you wish your comments to be included in the report, please submit them no later than December 3, 1992.

The Governor and presiding officers of the two houses of the Legislature have also been provided copies of this draft report.

Since this report is not in final form and changes may be made to it, access to the report should be restricted to those assisting you in preparing your response. Public release of the report will be made solely by our office and only after the report is published in its final form.

Sincerely,

Marion M. Higa
State Auditor

Enclosures

JOHN WAIHEE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
677 Ala Moana Boulevard, Suite 1000
Honolulu, Hawaii 96813

ATTACHMENT 2
GEORGE W. SUMNER
DIRECTOR

ROBERT C. VIDUYA
DEPUTY DIRECTOR

GEORGE IRANON
DEPUTY DIRECTOR

ERIC PENAROSA
DEPUTY DIRECTOR

No. 92-16999

December 3, 1992

Ms. Marion Higa
Legislative Auditor
465 South King Street, Room 500
Honolulu, Hawaii 96813

RECEIVED

DEC 4 9 17 AM '92

OFFICE OF THE AUDITOR
STATE OF HAWAII

Dear Ms. Higa:

We appreciate the opportunity to comment on the findings and recommendations contained in your draft report, *"A Review of a Formula for Security Staffing at the Department of Public Safety."*

The Department takes exception to the Summary of Findings stated in your report. We feel that the staffing relief factor proposed to the 1992 Legislature is reasonable and was based on data which reliably stated whether the employee was available for work or not. The DPS Form 7s that were used to record official leave for employees consistently provided a substantial proportion of the information on leave taken during both the six-month and twelve-month periods. In the case of your study, the use of the DPS Form 7 as a data source was discussed with your staff and agreed to. Moreover, although there may have been some differences in the recording of the type of leave taken, the overall amount of leave taken was reliable.

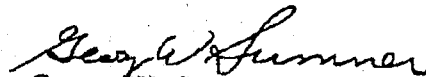
The Department believes that it is irresponsible on your part to re-do our study, calculate a staffing factor of 2.10, which is higher than what we had calculated, then negate both studies. Based on your report, the conclusion we make is that the original study may have under-reported the amount of days off and that the staffing factor may actually be somewhere between what we had calculated and what your study calculated. Because of this, your conclusion should have accepted our factor of 1.88 as a preliminary figure. Jim Henderson, your consultant on this project, and the United Public Workers Union also agree that the actual staffing formula is at least 1.88.

In the meantime, the Department will be addressing the problem of standardizing the way leaves are recorded and making sure that all persons responsible are properly trained. Using the standardized format, called the "Uniform Manning Formula Computation," we can again calculate the staffing factor.

Ms. Marion Higa
December 3, 1992
Page Two

As a final note, I would like to add that Jim Henderson previously advised me of the many positive remarks he made in his report about the Department's recent efforts to properly handle the staffing problem. You failed to mention these remarks in your biased, slanted, and incorrect report. You refused to give us copies of his report and only offered us selected excerpts. You choose to come forth with an inconclusive report and site many negative factors with almost nothing that was positive. In my entire career in Corrections, I have never seen such a distortion and misrepresentation of facts.

Sincerely,


George W. Sumner
Director

LATE

**A REPORT TO THE LEGISLATURE OF THE
STATE OF HAWAII**

**IN RESPONSE TO
ACT 287, SESSION LAWS OF HAWAII 1996**

**Requesting that the Department of Public Safety
Submit a Detailed Status Report to the Legislature**

Submitted by:

**Department of Public Safety
State of Hawaii**

November 1996

Report on Act 287, Session Laws of Hawaii 1996

INTRODUCTION

In accordance with Act 287, the Department of Public Safety (PSD) is submitting this comprehensive review of security staffing needs at the Oahu Community Correctional Center (OCCC).

Section 77.1 requires that PSD submit a comprehensive review of security staffing needs at OCCC. Included, it is required, that such review shall contain analysis and assessment of:

- 1) Overtime Management
- 2) Overtime Costs
- 3) Plans and Implementation procedures to reduce overtime costs
- 4) Staffing Requirements, and
- 5) Current Staffing Levels

Overtime Management

Overtime is managed at OCCC, by following the combination of several different documents. The first document is Department Policy of Security Staffing - Corrections (493.08.50). This policy requires the maintaining of a Master Roster that accounts for all security staff and positions. Included but not mentioned is the maintaining of a Work Position Plan; this plan describes where each position is authorized for posting. Also required is the maintaining of a Daily Watch Schedule and Recapitulation Records of Manpower Utilization.

The maintaining and regular use of these required documents provides for an indication of exactly how many positions are authorized for the program, where the positions are authorized for posting overall, where the positions are posted on a daily basis, and a mandatory recapitulation of the use of positions for everyday and every watch.

What is not in place is a properly consulted/negotiated agreement that would allow for strict enforcement of the prioritizing of the filling of posts according to a pre-determined/agreed upon priority schedule, as described in the detail of 5.2 Master Roster. What is in place, and what is utilized currently as the mandatory manpower needs of OCCC, is a schedule that is prepared and implemented under 61.04 of the Bargaining Unit (BU) 10 Agreement.

Management states its manpower needs at Step 1 of 61.04. Thereafter, and until properly changed, that remains as Management's stated manpower needs until potentially changed at the beginning (Step 1) of the next 12-week scheduling cycle as described in 61.04.

This acknowledged manpower requirement is met by the assignment of officers who are regularly scheduled. When there are not enough regularly scheduled officers, due to vacancies or individual leaves of absence (sick, vacation, comp time off, military, funeral, family leave, training, etc.), the manpower requirement is met by the hiring of overtime.

The actual hiring of overtime workers is done by the application of 26.12 of the BU contract.

The granting of overtime is done out of necessity for a variety of contractual reasons. Some of the reasons are obvious (i.e., all work after 8 hours), while others are unique to the BU 10 contract.

- a) Work performed in excess of 8 hours. This could be for a total shift (8 hours) or simply for being relieved from one's post late (i.e., 10, 20, 30 minutes).
- b) Work performed in excess of 40 hours. This could be for any and all voluntary or involuntary work performed above the normally scheduled 40-hour work week.
- c) Work performed on a third consecutive weekend. BU contract mandates that an officer be scheduled for a weekend off every third weekend within continuously calculated 4-week cycles. There is no consulted schedule in place that automatically schedules in this mandate, as a result, all officers who are scheduled weekdays off, receive this premium (four hours overtime per day), every third weekend of continuously calculated 4-week cycles.
- d) Lapse 10. Officers receive an overtime premium whenever he/she does not have a 10-hour break from overtime performed, back to his/her regular shift.
- e) Lapse 12. Officers receive an overtime premium whenever he/she does not have a 12-hour break between scheduled watch changes.
- f) Holidays. All Officers who are not scheduled for Saturday/Sunday/Holidays off receive an overtime premium on every Holiday. This includes officers who coincidentally actually have the holiday off (i.e., Sunday/Monday off). These fortunate officers actually receive the holiday premium on their first scheduled day back to work. This often occurs because OCCC attempts to schedule Officers off for weekends (i.e., Friday/Saturday, Saturday/Sunday, or Sunday/Monday) in order to avoid paying the third weekend premium (see point c). Since most holidays are on Friday or Monday, Officers qualify for holiday pay on their first work day back after scheduled days off.
- g) No 48-hour notice. Officers receive an overtime premium whenever he/she is not afforded 48-hour notice of a change in schedule (i.e., days off, post, watch).

- h) Officers receive premium pay (overtime) for every hour worked whenever an officer works 7-days consecutively. This premium is ongoing until such time that a 24-hour break is provided.
- i) Scheduled Training. Officers receive premium pay for all training assignments that do not fall within their regularly scheduled shift.

These contractual premium pays contribute to the high overtime costs regularly incurred by OCCC.

Overtime Costs

OCCC spent \$2,341,902 on Ordinary Overtime and \$508,852 on Holiday Overtime (\$2,850,754 total) in FY 96.

Overtime costs are the result of numerous variables, some tangible, some not. A primary tangible variable that directly impacts (leads to) overtime expenditure(s) are actual position vacancies. These vacancies are also a result of natural attrition (retirements, promotions, transfers, resignations, terminations, etc.) and have a kind of natural or normal level. Over the entire second half of FY 96 and well into FY 97, that "natural" rate has been exacerbated by the implementation of a more methodical and security/screening initial hiring process. We have gone from bringing a new recruit class on board every four to six months, to this point in time where we have had but a single recruit class come on board in the last ten months. The upside of the tighter screening process is the hiring of a higher quality employee. The downside is an extended period of reliance on overtime to fill the vacant posts.

Other tangible variables that affect (lead to) overtime, are leave usages. There are, in this day and age, so many forms of authorized paid leaves, and such liberal legal, contractual and past practice methods by which an employee may rightfully utilize (take) these leaves. Traditional authorized leaves such as Vacation, Sick and Compensatory Time are compounded by the authorization of newer forms of authorized paid and unpaid leaves. These include, Military Leave, Family Leave, Parent Teacher Leaves, Training and Work Related Injury Leaves. The legitimate use of this now-expanded pot of paid leaves directly impact our over-reliance on overtime to fill our posts.

There is a problem created by "not-as-legitimate" use of leaves. The perception of "legitimate" use is a controversial area that ever-leans in the direction of the currently widely held belief that, any and all leaves, are employees' right to use as he or she sees fit. No questions asked. This feeling of entitlement is held in great majority and is not unique to correctional workers.

There are other needs that actually rely solely on overtime to accomplish on a normal basis, when required. These types of unpredictable/as the occasion arises situations include: one-on-one, 24-hour a day Suicide Watch, doctor trips, outer-island transports, hospital duty, shakedown, training, mainland transports, etc.

Another major contributing factor to overtime at OCCC, is the extremely staff-inefficient physical plant. There are a total of 15 separate areas housing a capacity of 891 inmates. Housing areas range in capacities from as little as 24 to a high of 114. All 15 areas must be manned separately because they are physically separate, and as a result, there are multiple posts necessitated to provide security for a nominal total of inmates.

Comparitively, inmates at the Halawa Medium Security Facility (HMSF) are housed in Blocks of 125. OCCC's physical plant requires that our housing unit security staffing levels are approximately two to one higher than that which is required at the more efficiently constructed HMSF.

OCCC construction was based on housing minimum and community custody inmates. These categories of inmates require but a minimal number of staff to be assigned. Overcrowding and shelved plans for medium security construction here at OCCC has forced OCCC to house medium (jail) security inmates in housing areas not so designed. This results in an even higher inmate per staff ratio than was originally planned.

In addition, it is a well-established tenet that correctional facilities should be designed to maximize sight lines. However, OCCC was built in a college campus style, and contains many blind corners and short corridors. This makes it extremely unsafe to move inmates through the facility without escort and/or established control stations. This also helps to account for the large number of posts at OCCC.

Tangible variables, such as the use of paid and unpaid leaves (both scheduled and unscheduled), and the abundance of vacant positions, and the reliance on overtime to accomplish particular unpredictable security functions, leads to a significant portion of OCCC's overtime expenditures.

Intangible variables, such as the prevalent entitlement phenomenon also have a significant impact on overtime. When staff feel that all forms of leave, both paid and unpaid are their contractual right, and as such, are to be taken at the whim of the individual, overtime skyrockets.

Controlling the tangible and intangible variables can be accomplished if the measure of success is reasonable. If the measure of success is simply that a program run using no more overtime monies than what is budgeted, then that begs the question: *on what basis are overtime monies budgeted?*

The most significant variable that affects (leads to) overtime is the proper establishment of a rationally calculated baseline. In Corrections, that baseline is what's called the Shift-Relief Factor (SRF). This factor simply calculates the number of staff positions that are required to fill particular posts. A more definitive description of a proper Shift-Relief Factor for the Hawaii Correctional System will be later discussed in this report. The subject is best described in the Staffing Requirements portion of this report.

Plans and Implementation Procedures to Reduce Overtime Costs

FY 96 saw the implementation, and in some cases, the continued implementation of staffing and Program changes that were specifically put in place to address the perceived problem of excessive overtime at OCCC. These changes represent two forms of savings: the direct cost savings achieved by post reduction, and the savings the reassignment of the incumbent represents (i.e., to a post that might otherwise have been filled on an overtime basis). It must be noted however, that an officer's post cannot be eliminated purely for the purpose of saving overtime money. If the security need exists, it must be provided, for the health and safety of staff and inmate alike. When a post is reduced, the *need* for the post must be correspondingly reduced so as not to endanger anyone.

- 1) **Holiday Schedules.** In years prior, OCCC scheduled and manned the facility on two basic levels: Weekday and Weekend Schedules. There was no Holiday Schedule. As a result, when Holidays occurred, all weekday Officers would show-up for work, even though the programs they were assigned to would be closed down for the Holiday. The practice was to utilize these officers to provide "extra" security in selected areas and to conduct staff intensive chores, such as random shakedowns and urinalysis. OCCC discontinued this wasteful practice in late FY 95 and throughout the entire FY 96.

The yearly holiday overtime totals reflect an increase from FY 93 to FY 94, from FY 94 to FY 95, then a *decrease* from FY 95 through FY 96.

FY 93: 471,191 FY 94: 481,807 FY 95: 524,128 FY 96: 508,852

There are normally 13 Holidays per year. This change in scheduling allowed for the shutdown of approximately fifty posts per Holiday. What was previously double time for 50 officers was reduced to a scheduled day-off and straight time for those 50 officers. The officers' employee organization (UPW) worked cooperatively with OCCC in this matter.

- 2) **Inmate Visitation.** In years prior, OCCC allowed for and provided security for inmate visits 7-days a week. This has been reduced to visitation on Weekends and Holidays only. The corresponding reduction in required security staff is three (3) officers per day, or fifteen (15) posted officers per week. OCCC has still been able to provide for all visitation requests made and has reduced overtime by

reassigning those previously assigned to posts that might otherwise require overtime to fill. The officers' employee organization (UPW) and the American Civil Liberties Union (ACLU) worked cooperatively with OCCC in this matter.

- 3) **Inmate Recreation.** In years prior, OCCC allowed for and provided security for outside inmate recreation 7-days a week. This has been reduced to outside recreation on non-holiday weekdays only. The corresponding reduction in required security staff is two officers per day or four (4) posted officers per week. OCCC has still been able to provide the minimum amount of outside recreation, as required by the Consent Decree, and has reduced overtime by reassigning those previously assigned, to posts that might otherwise require overtime to fill. The officers' employee organization (UPW) and the ACLU worked cooperatively with OCCC in this matter.
- 4) **Law Library.** In years prior, OCCC allowed for and provided security for Law Library access five (5) days a week, sixteen hours a day (excluding holidays). This has been reduced to the same five days a week, but only eight hours a day. The corresponding reduction in security staff is one (1) officer per day or five (5) posted officers per week. OCCC has still been able to provide the minimum amount of Law Library access for inmates, as required by law, and has reduced overtime by reassigning those previously assigned, to posts that might otherwise require overtime to fill. The officers' employee organization (UPW) and the ACLU worked cooperatively with OCCC in this matter.
- 5) **Suicide Watch.** National Prison and Jail Medical Standards, as well as the Consent Decree, require that, inmates who are suicidal, be monitored in a direct and uninterrupted manner. Essentially, it is required that staff observe (uninterrupted) suicidal inmates 24-hours a day.

This task is an overtime creator, since it is unpredictable, and as such, it cannot be regularly scheduled for. In years past, each suicidal inmate was assigned a Correctional Officer, on an overtime basis, 24 hours a day. If there were four inmates on Suicide Watch, there would be four Officers assigned to watch them one-on-one for 24 hours a day. Three officers per day (8-hour shifts) times four inmates, would be 12 overtimes per day!

OCCC has physically altered the Suicide Watch cells at no small price. These alterations have allowed for a two-on-one, or one officer watching two inmates ratio. These physical alterations have allowed for a 50% reduction in cases of multiple suicidal inmates. The ACLU worked cooperatively with OCCC in the implementation of this extremely sensitive program change.

- 6) **Sick Leave.** OCCC has aggressively implemented the provisions of Section 37.17B of the BU 10 Contract. This new provision in the contract allows for the monitoring of sick-leave usage, when and if such usage is consistently done in a

pattern. All officers are reviewed on a bi-annual basis, and if an unacceptable pattern is established, the employee is required to report to the State's contracted physician every time he/she calls in sick. This brief description of the program is, of course, grossly oversimplified. The program is cumbersome in its application; however, it must be understood that the ramifications for violations are severe (progressive suspensions leading up to termination). Since the ramifications are so severe, there are many due-process procedures in place, so as to insure the protection of the rights of the employee, as well as the avoidance of unequal application by Managers. The program's success is difficult to measure, since it does have an administrative overhead cost and its fruits are not necessarily a direct cause and effect measurement. What is crystal clear, is the fact that every officer who has been placed on this program, has dramatically reduced the number of sick days taken during the 6-month follow-up evaluation period. The obvious result is that better attendance equals a reduction in overtime. The officers' employee organization (UPW) worked cooperatively with PSD in this matter.

- 7) **Emergency Hires.** OCCC has employed upwards of 25 to 30 Emergency Hire Adult Correctional Officers at any given time, so as to reduce the number of vacancy induced post vacancies on the Master Schedule. The direct overtime reduction, in simplistic terms, is this. Each Emergency Hire works a full 40-hour work week. Were that position left physically vacant, the facility would have to hire an overtime officer to fill the post left as vacant. Thirty Emergency Hire Officers working a day, essentially equates out to thirty less overtimes a day.
- 8) **Watch Selection and Paramutual Agreement.** OCCC rigidly allows for Watch Selection by seniority, as newly called for in the BU 10 Contract. Additionally, post and watch swaps, by Paramutual Agreement, are regularly granted, almost at will. Pro-employee interpretations of these contracted stipulations give the employee the best opportunity to get a work schedule that is in synchronization with their daily lives. The better the synchronization between the job and the home life, the better the attendance, the lower the overtime.
- 9) **Workplace Safety and Staff Morale.** OCCC aggressively and consistently works to provide for and promote workplace safety. Corrections is a field that has certain safety hazards built-in (i.e., regularly dealing with persons who have proven themselves to be unfit to roam in free society). By strictly following all the parameters of the Consent Decree, by using the Life and Safety Code as a Standard Operating Procedure general guideline, by listening to and acting upon reasonable constructive suggestions offered by employees and inspectors, OCCC works hard to provide a safe environment that minimizes the absence of workers due to injury. Less injury related absences, less overtime.

In this day and age of general employee apathy, OCCC strives to create an environment that is, at the very least, non-hostile and worker friendly. Employee

accountability is strictly adhered to, so as to insure a feeling of professionalism amongst the staff. The practiced belief is that the employee is more likely to have better attendance if he/she feels he/she belongs to a professional organization that is professionally run. Better attendance equals less overtime.

- 10) **Video Arraignment and Plea.** The Judiciary, in conjunction with the OCCC, was the recipient of Federal funding for a video arraignment and plea Pilot Program. This project hooked up OCCC with the Courts, and allowed for particular legal proceedings to be conducted here at OCCC. The Program was initiated doing Arraignment and Plea proceedings only. It has progressed to the point where other legal proceedings such as revocations and the hearing of motions, in selected cases, are also conducted right here at OCCC via video hook-up.

The overtime connection to this program relates to a reduction in transports. In years past, each inmate who had to appear for such legal proceedings as described above, needed to be physically transported. The actual numbers are staggering, indeed; upwards of 30 to 40 inmates per week need no longer be transported due to this technological upgrade. Less required transports, less overtime required.

- 11) **Technical Upgrades.** OCCC has been funded for technical security upgrades. Some of these monies will be targeted for use at security stations (posts) in the facility that are now manually operated. The idea is to electronically, visually, and audibly connect some of these manned stations (posts) to a single location so that inmate movements can be monitored visually and audibly, yet electronically controlled from centralized locations. This potentially will reduce the number of now manually-manned posts, and thus free up those previously assigned to fill posts that otherwise might require overtime to fill.
- 12) **Actual Overtime Expenditures.** All of the aforementioned overtime reduction activities have solid results to back them up as being meaningfully effective. Explanations, plans and excuses are easy to come by. Irrefutable evidence in support of a claim of proactive management of overtime is the only true factor worthy of consideration. To wit:

OCCC
OVERTIME EXPENDITURES FY 93, 94, 95, 96

<u>FISCAL YEAR</u>	<u>ORDINARY</u>	<u>HOLIDAY</u>	<u>TOTAL</u>	<u>REDUCTION</u>
93	3,189,134	471,191	3,660,325	---
94	3,172,815	481,807	3,654,622	(-5,703)
95	2,955,820	524,128	3,479,948	(-174,674)

96 2,341,902 508,852 2,850,754 (-629,194)

These figures are based on actual expenditures as reported by the Department of Public Safety's Planning, Programming and Budget Office. The actual *reductions* in gross expenditures are even more significant when considering the fact that wage increases (i.e., step raises, mandatory reallocations) are included in these actual reductions.

These are some of the actions that have, will, and shall continue to be taken, in OCCC's ongoing efforts at overtime reduction.

Staffing Requirements/Current Staffing Levels

OCCC has a total complement of 354 Adult Correctional Officer positions. This total represents officers that range in rank from ACO Recruit (HC-12) through and including ACO VII (HC-22).

The total complement is assigned on the Work Position Plan of the Master Roster. The Work Position Plan validates where each of the 354 positions are authorized for individual posting. This validation is based on the number of officers required to fill different authorized posts on a regularly scheduled basis. The validation is further justified based on what is called a Shift-Relief Factor (SRF). The current authorized SRF is 1.65.

The above-mentioned conglomeration of correctional staffing jargon can be simplistically broken down as follows:

A 7-day post, or a post that must be filled all 7-days of the week, requires 1.65 officers to fill.

A 5-day post, or a post that must be filled only 5-days a week, requires 1.25 officers to fill.

The 1.65 officers required to fill a 7-day post is mathematically calculated as follows:

1.00	=	100% of one officer's regularly scheduled time required for 5 of the total 7 days.
.40	=	40% of <i>another</i> officer's regularly scheduled time required for 2 of the total 7 days (days off).
.25	=	25% of additional officers regularly scheduled time required to cover for all forms of leave taken by the officer(s) regularly assigned to the 7-day post.
<u>1.65</u>		

The 1.25 officers required to fill a 5-day post is mathematically calculated as follows:

1.00	=	100% of one officer's regularly scheduled time required for 5 of the total 5 days.
.25	=	25% of another officer's regularly scheduled time required to cover for all forms of leave taken by the officer(s) regularly assigned to the 5-day post.
<u>1.25</u>		

1.25

The Work Position Plan at OCCC authorizes the legitimate posting of 350 of its total compliment. The balance of the 354 (4) are as a result of in-house posting reductions initiated in order to reduce overtime (i.e., the balance of four officers are used to fill post vacancies and reduce reliance on overtime).

The mathematical breakdowns provided were established prior to 1975, and it is the contention of PSD, that it is woefully inadequate. This inadequacy, more than any of the previously mentioned tangible and intangible variables, is what leads to the extreme reliance on overtime within the Department's Correctional Facilities and Centers.

OCCC, in conjunction with the Department of Public Safety as a whole, would, and have on numerous occasions in the past, submit that the properly calculated SRF for Hawaii's Correctional Facilities and Centers is 1.88 for 7-day posts and 1.48 for 5-day posts.

The mathematical breakdown provided earlier for the current 1.65/1.25 SRF would be accurate for calculating this proposed SRF upgrade, except* that it would allow for .48 of an additional officers regularly scheduled time to cover all forms of leave taken by officers regularly assigned to either a 7- or 5-day post. See below.

The 1.88 officers required to fill a 7-day post is mathematically calculated as follows:

1.00 = 100% of one officer's regularly scheduled time required for 5 of the total 7 days.
.40 = 40% of another officer's regularly scheduled time required for 2 of the total 7 days
(days off).
* .48 = 48% of additional officers regularly scheduled time required to cover for all forms of
leave taken by the officer(s) regularly assigned to the 7-day post.
1.88 7-day post

The 1.48 officers required to fill a 5-day post is mathematically calculated as follows:

1.00 = 100% of one officer's regularly scheduled time required for 5 of the total 5 days.
* .48 = 48% of another officer's regularly scheduled time required to cover for all forms of
leave taken by the officer(s) regularly assigned to the 5-day post.
1.48 5-day post

The current .25 used to cover all forms of leaves taken by officers (less days off) was calculated, as stated earlier, prior to 1975. The conditions, the employees rights, the leave usage, the control mechanisms over leave usage, and the ever-intangible worker attitude, has dramatically changed since then.

The current 1.65 SRF was originally calculated based on estimations as compiled by planning officers. The original estimate (1.65) allowed for an estimation of leaves as follows:

2 days off per week
12 days per year sick leave (up to 21 earned)
14 days per year vacation leave (up to 21 earned)
14 holidays off per year
0 days per year for in-service training, military leave, etc.

The proposed 1.88 SRF was calculated from hard data collected from all facilities statewide. It included conservative actual calculations of sick leave (21 days) and vacation leave (21 days) taken by Correctional Officers. It also incorporated averages for other leaves such as military leave, family leave, administrative leaves, in-service training, jury duty, workers compensation, accidental injury, funeral leave and delays in hiring (vacancy time). All these elements for time off from duty must be considered if the SRF is to be employed as a meaningful tool in determining staffing requirements. In short, the 1.65 SRF was based on planners estimates, while the proposed 1.88 SRF is based on actual hard data compiled at each individual Branch statewide.

A senior Administrator recalls that he joined the Department in 1979, to head the Planning and Programming Office. The SRF was 1.65 at that time, and it was inadequate even then. Corrections has attempted to obtain approval for an increase at least since then (1979).

It is unclear if the SRF was ever set and utilized at a different level (lower) prior to 1975. What is clear, is that it has been at that level ever since it was acknowledged that staffing calculations be based on the established SRF. Nationally, an acknowledged SRF is used to properly determine the numerical staffing needs of Correctional Institutions. These individual factors differ from jurisdiction to jurisdiction. What does not differ, is the formula used to calculate it, based on the specific collected data. The SRF varies from jurisdiction to jurisdiction because the data plugged into the standard calculating formula varies from jurisdiction to jurisdiction.

Examples of varying data used to plug into the Standard Shift-Relief calculating formula are: number of sick days granted/authorized by contract, number of vacation days granted/authorized by contract, number of days authorized or granted by contract or practice for training, number of scheduled state holidays, types and numbers of other forms of authorized leaves granted by contract/practice, etc. Suffice it to say, these types of variables in Hawaii, are on the extreme high side.

There have been changes that logically should have increased the SRF over the past 25 years, however, an increase has never occurred. Some of the more recent changes I am referring to are:

- 1) The Family Leave Act
- 2) Parent-Teacher Conference Leave
- 3) Increase support for more liberal granting of Military Leave and Personal Leaves for military purposes
- 4) Administrative Leaves

- 5) Training for the purpose of Professional Standards and Liability
- 6) Jury Duty (Correctional Officers no longer are automatically exempted).

These and other factors were either non-existent or less exercised in the past. Additionally, recent in-house, as well as arbitration rulings and contract interpretations, have made traditional disciplinary or corrective actions, in response to perceived or suspected leave abuses, nearly impossible to enact. The omnipresent civil service/collective bargaining protections bestowed upon employees, albeit rightfully exercised, put civil service managers in a decidedly disadvantageous position in comparison to their private sector counterparts.

Through all of this, and indeed with the passing of over 25 years since the SRF was acknowledged as the professional standardized tool, no increase has occurred. Simply put, it is clear to any and all observers, that the workers, their rights, their benefits and indeed their attitudes are not what they were 25 years ago.

Earlier in this report, the measure of success in judging a program's ability to control its overtime expenses was left as an open ended question.

Any measurement used would be flawed if the Program in question is not sufficiently manned; and therefore is forced to rely on high levels of overtime to accomplish its mission.

The issue of "excessive overtime" in all Correctional Institutions is studied, scrutinized, publicized and politicized every year.

Annually, legislators rightfully question the extreme expenditures made on overtime, however, the questions are usually based simply on the high total expended.

Annually, PSD cites issues such as sick-leave abuse, vacancies, a highly generous BU contract and the changing attitude of employees in the 1990's, as causes of excessive overtime.

Annually, the Union cites mismanagement by PSD and their individual Facility Managers as the root cause of the high expenditures on overtime.

As difficult and expensive as it will be to accept, we would submit that the largest single factor leading to overtime, is that our Correctional Institutions are understaffed.

In the case of OCCC, using the proper SRF of 1.88/1.48, would mean that the Program (PSD 407) actually requires 46 additional positions to accomplish its mission with but minimal levels of overtime expenditures. These positions would technically provide for relief only. They would not be used to man newly created posts or expand the parameters of the program as it exists today. They would simply be used to fill post vacancies that our properly calculated SRF forewarns us will occur.

The expense of these additional positions are funded annually via overtime expenditures. An estimated total for annual salaries for these 46 positions is approximately \$1,276,776 (\$27,756 x 46). FY 96 Overtime Expenditure, as reported earlier, was \$2,850,754. In short, given the proper amount of staff, excessive overtime as we have grappled with in the past, would cease to exist.

The Office of the Legislative Auditor, as part of our Departmental Audit in 1995, calculated the SRF for OCCC. The Auditor acknowledged our contention by recommending a pilot project, using the 1.88/1.48 SRF, at OCCC. This resulted in House Bill 147 in 1995. The Bill passed, but was not funded.

We would readily acknowledge that the millions of dollars spent on overtime annually is unreasonably high when *assuming* that our Correctional Institutions are sufficiently manned. Unfortunately, that *assumption* is incorrect and, although overtime at 24-hour Institutions can never be totally eliminated, it certainly would be brought down to acceptable levels were staffing sufficiently provided.

The concept of "Casual Hires" is utilized by the Department of Education, to insure that vacancies do not create a workload back-up. PSD, if authorized to do so, could similarly utilize this process to minimize overtime costs created by vacancies and other variables.

It is time to put this "excessive overtime" issue to bed. Time for Management to stop blaming Labor. Time for Labor to stop blaming Management. Most importantly, it's time for lawmakers to set a baseline measure of program effectiveness, based on reasonable expectations and proper and correct staffing levels.

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
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LATE

JAN K. YAMANE
Acting State Auditor

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November 16, 2015

Mr. Nolan Espinda
Director
Department of Public Safety

VIA EMAIL ONLY: Nolan.P.Espinda@hawaii.gov

Dear Mr. Espinda:

We are conducting an audit of the Department of Public Safety's management of leave and staffing at prisons and jails. The audit is being performed pursuant to Section 23-4, Hawai'i Revised Statutes, which requires the Auditor to conduct postaudits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State and its political subdivisions.

Ms. Rachel Hibbard is the project supervisor and Ms. Melissa Fuse is the analyst-in-charge of the audit. Ms. Fuse will contact your office to schedule an entrance conference. Meanwhile, we would appreciate it if you would provide us with the name, telephone number, and email address of the department's contact person to assist us in planning the audit.

If you have any questions, please feel free to contact Ms. Fuse at 587-0829 or mfuse@auditor.state.hi.us or Ms. Hibbard at 587-0807 or rhibbard@auditor.state.hi.us. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan K. Yamane".

Jan K. Yamane
Acting State Auditor